Application No.: Amendment Dated: Reply to Office Action of: 10/624,381 December 16, 2004 September 22, 2004

Remarks/Arguments:

The drawings have been objected to. Specifically, the Official Action alleges that the drawings do not show the claimed feature of the first, second and third beams arranged vertically. The beams shown in Fig. 1 and in Figs. 3A through 3F can either be in a horizontal or a vertical orientation. Withdrawal of the objection is

respectfully requested.

The title of the invention was found to be non-descriptive. A new title has

been furnished.

Claims 1-4, 10, 11, 14, 15, 17 and 23 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kong, et al. (U.S. Patent No. 6,218,911). It is respectfully submitted, however, that these claims are patentable over the art of

record for the reasons set forth below.

Applicants' invention, as recited by claim 1, includes a feature which is neither

disclosed nor suggested by the art of record, namely:

... first, second and third beams movable relative to each other ...

voltage applying means for \dots applying a driving force to $\underline{\text{move}}$ the

first, second and third beams ...

Thus, Applicants' claim 1 recites that all three beams move.

The switch in Kong comprises an electrically conductive beam and metal

traces. Kong's beam is a movable electrode and the metal traces are fixed

electrodes. In Fig. 2, metal traces 26 and 28 are fixed electrodes and beam 24 is the

only movable electrode. Movable beam 24 is in contact with either fixed metal trace

26 or fixed metal trace 28 by the application of electrostatic force.

As Applicants' three beams are all movable, claim 1 is patentable over the art

or record.

The remaining claims are patentable by virtue of their dependency on

allowable claim 1.

Page 7 of 8

MAT-8439US

Application No.: Amendment Dated: Reply to Office Action of:

10/624,381 December 16, 2004 September 22, 2004

Claims 6, 13, 16 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kong et al. These claims, however, include all the features of claim 1 from which they depend. Thus, these claims are also patentable over the art or record.

Claims 5 and 9 were indicated as including allowable subject matter.

In view of the amendments and arguments set forth above, the aboveidentified application is in condition for allowance, which action is respectfully

requested.

Respectfully gubmitted

Lawrence E. Ashery, Reg No. Attorney for Applicants

LEA/fp Dated:

December 16, 2004

P.O. Box 980

Valley Forge, PA 19482-0980

(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 16, 2004

F_I:\MAT\8439US\AMEND_01.DOC